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SUBJECT: NICARAGUA 2006 ANTI-TRAFFICKING IN PERSONS
SUBMISSION

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[11.](#) (SBU) During the 2005-2006 reporting period, Nicaraguan government has made important progress in all areas of its fight against Trafficking in Persons (TIP), including prevention and detection, victim assistance, and prosecution of traffickers. Nicaraguan police dismantled two major trafficking rings during 2005, and prosecutors secured four convictions in the country's first international TIP court case. The Foreign Ministry has grown increasingly skilled at handling the repatriation of Nicaraguan TIP victims found in neighboring countries and the Ministry of the Family is working with NGOs to increase the country's ability to provide support to victims and reintegrate them into society.

A package of TIP-related legal reforms that would bring Nicaragua into full compliance with international TIP standards is pending before the National Assembly and appears to enjoy bipartisan support. Embassy Managua believes that these and other positive developments warrant Nicaragua's return to Tier 2 when the Department makes its annual Tier rankings in the coming months. Responses below are keyed to Department's questions in paragraphs 21-24 of reftel A.

OVERVIEW (Paragraph 21 A-D)

[12.](#) (SBU) Paragraph A: Post has no evidence that Nicaragua is a significant country of transit or destination for internationally trafficked men, women, or children. However, there is growing evidence that Nicaragua is a country of origin for international trafficking in persons (TIP) and

that internal trafficking takes place in the country. While there is widespread consensus that the underlying poverty and unemployment that are pre-conditions for TIP exist in Nicaragua, the country is only beginning to develop a database of TIP statistics. Working with the Nicaraguan Government (GON), post was able to confirm twelve distinct TIP cases, many involving multiple victims (for a total of 40 victims in all twelve cases) during the period January 2005 through February 2006. By all accounts, those most at risk of being trafficked in Nicaragua were women and girls trafficked for purposes of sexual exploitation. The type of internal trafficking activity that is believed to be the most prevalent in Nicaragua is internal underage prostitution. However, reports of young men being trafficked, particularly from the area around the town of San Carlos, to Costa Rica for purposes of labor exploitation have also begun to surface. No numbers are available at this time on the extent of this newly-reported labor exploitation.

¶3. (SBU) Paragraph B: Almost all verified cases of TIP in Nicaragua were of women and girls trafficked for purposes of sexual exploitation. Most cases of international trafficking were women and girls recruited (nominally for work as domestics, nannies, and waitresses in neighboring countries) from poor neighborhoods in such cities as Chinandega, Esteli, Managua, and Granada going to El Salvador, Guatemala, Honduras or Mexico, where they were forced to work as prostitutes. According to all of post's government and NGO contacts, Guatemala City is overwhelmingly the primary destination for Nicaraguans trafficked for purposes of sexual exploitation. Internal cases of TIP usually involved poor rural women and girls being drawn to major urban centers to work as prostitutes, although the adult prostitutes found working in nightclubs and massage parlors are from both urban and rural areas. According to the police, the types of businesses where prostitution is most common are casinos, night clubs, discos, beauty salons, and massage parlors. Young men reportedly being trafficked to Costa Rica for purposes of labor exploitation are believed to be primarily from rural areas in the southern parts of the country.

¶4. (SBU) Paragraph B continued: Although reliable information to confirm the extent of TIP in Nicaragua remains limited, there is no indication of major changes in its incidence over the past year, except for the anecdotal reports of increasing trafficking to Costa Rica for purposes of labor exploitation. Although some media reports have suggested that the problem has grown in scope, there are no reliable statistics to confirm this impression. TIP has received growing public, media, and government attention, and this awareness may account for the growing number of TIP reports. It is not clear whether the trafficking of young men to Costa Rica is something new, or is something that has been ongoing for some time and is only now receiving attention.

¶5. (SBU) Paragraph B continued: Implementation of the first reliable TIP survey began in October 2004 and is still ongoing. The survey instrument was designed by Johns Hopkins University, supported by post, and has been distributed to the 24 women's police stations operated nationwide by the Nicaraguan National Police (NNP). The study is designed to establish a uniform monitoring system and case evaluation to identify and prevent human trafficking. The NNP gathers information and sends it to the Ministry of Government for analysis. The study instrument has also been distributed to NGOs involved in anti-TIP efforts so that they too can contribute verifiable information on TIP cases. This accumulation of certified case data is unprecedented in Nicaragua and should provide both the first reliable statistics on the extent of the TIP problem in the country and serve as a check on other sources of information. The Johns Hopkins survey is intended to provide the GON with constant updates on the nature and extent of the TIP problem, including patterns of recruitment, transportation, routes, and destinations, in order to allow it to adjust its anti-TIP strategies and its allocation of resources to confront the

TIP challenge as effectively as possible. Numerous other TIP studies have been done, but none have addressed the problem systematically. Many previous surveys have confused distinct issues such as migrant smuggling and TIP by mixing them together or have combined reports on TIP with other issues such as adult prostitution, sexual abuse, and disappearances that do not meet the definition of TIP. Many reports, particularly in the media, have also used anecdotal evidence of limited statistical validity to draw broad conclusions.

¶6. (SBU) Paragraph B continued: Based on the nature of trafficking, NGOs, the NNP, and post believe that young women from poor areas of Managua and from border towns are at greatest risk for both internal and external trafficking. Some women and girls from poor rural areas have also been trafficked. According to the National Police and media reports, the victims of external trafficking are typically approached by someone they know and tempted with lucrative job offers in neighboring countries. There are also reports that traffickers have approached women working in factories in some of the country's free trade zones (FTZs) and attempted to lure them into forced prostitution by offering better paid and easier employment abroad. Usually victims are smuggled across Nicaragua's porous northern border, sometimes in the back of trucks and sometimes on foot along well-traveled smugglers' routes. This year there were media reports that some victims were also smuggled by boat across the Gulf of Fonseca to Honduras and El Salvador en route to Guatemala and Mexico. According to the NNP, most Nicaraguan TIP victims are girls and women under 25 years of age with a low level of education and few economic opportunities. Young men in rural areas of southern Nicaragua are reportedly approached by traffickers, who offer them paid agricultural work on farms in Costa Rica. However, according to the reports, after the men, who cross the border undocumented, have worked for several months, their employers have them deported back to Nicaragua rather than pay them for their labor.

¶7. (SBU) Paragraph C: The GON has demonstrated political will at the highest levels to combat trafficking in persons and is making serious and sustained efforts to prevent trafficking. CONAPINA, an inter-agency coordinating council headed by First Lady Lila T. Abaunza de Bolanos, coordinates GON policy on children's affairs, including trafficking issues, with participation from every key government ministry, the NGO community, and international donors. The GON's anti-TIP action plan was described in detail in ref tel B and remains in effect. No government officials have been linked to TIP, and post has every reason to believe that the GON would take action against officials linked to trafficking. Although government resources are limited, the GON is doing what it can to prevent TIP, protect victims, and prosecute traffickers. Among other efforts, during 2005 it carried out a variety of campaigns to raise awareness of the dangers of TIP, pressed the National Assembly to pass a package of legal reforms that would greatly strengthen anti-TIP legislation, and helped to repatriate Nicaraguan victims from neighboring countries. The anti-TIP office in the Ministry of Government has become an increasingly effective coordinator of the anti-TIP efforts of both the government and the national anti-TIP coalition. The GON has remained cooperative with post on TIP issues and has welcomed embassy involvement and support. The Vice Minister of Government leads GON law enforcement efforts against TIP and chairs the national anti-trafficking coalition.

¶8. (SBU) Paragraph C continued: There is no evidence that government authorities or individual members of government forces facilitate, condone, or are otherwise complicit in trafficking. Nicaragua's borders are sufficiently porous for smuggling of all types that there is little need for traffickers to attempt to make government officials complicit in their crimes.

¶9. (SBU) Paragraph C continued: Nicaragua is the second poorest country in the Western Hemisphere and the GON suffers

from severe resource shortages. The GON simply cannot allocate all the resources it would like to TIP issues. Although the NNP is regarded as a relatively non-corrupt institution and there is no evidence that police or government officials are involved in TIP in Nicaragua, the court system is very corrupt and subject to political influence. Although there have been no cases of judicial corruption allowing human traffickers to go free, drug traffickers have escaped justice as a result of judicial malfeasance and it is possible that the same could happen in TIP cases. Some traffickers in persons have escaped justice because of the impact of resource constraints on prosecutors, police, and other institutions that support them (reftel O). The GON has few resources to aid victims.

¶10. (SBU) Paragraph C continued: The police have arrested traffickers and are committed to continuing to do so. In cases where sufficient evidence existed, traffickers have been prosecuted. Prosecution of some cases has been complicated by the fact that the police stopped the traffickers at the border, thus preventing TIP, making it hard for prosecutors to prove that trafficking had actually occurred. Because Nicaragua is a country of origin, prosecution is hampered in other ways by the cross-border nature of the crime. It is difficult for police in Managua to investigate allegations in Guatemala City, for example, or for a Nicaraguan court to compile enough evidence to convict based on activities in another country. Recognizing the regional nature of the TIP problem, the GON has worked to improve cooperation with other governments in Central America via Interpol, the Central American Commission on Migration, and other regional and international organizations. Police and prosecutors have often been hampered by uncooperative victims and their families, whose help is needed to locate external traffickers. During the year, all of the GON bodies involved in fighting TIP developed a protocol detailing the specific procedures to be followed in TIP cases, and the individual responsibilities of each ministry or agency. The protocol covers all aspects of a case, from the time it is first reported and investigated, through the repatriation and protection of the victim(s), and the prosecution of the traffickers. The protocol is slated to be implemented during 2006.

¶11. (SBU) Paragraph D: The GON has designated CONAPINA as the key agency for monitoring internal anti-trafficking efforts. The National Action Plan on Commercial Sexual Exploitation of Minors establishes an evaluation of its progress against trafficking, with reports mandated every six months. The reports are specifically designed to give an account of how the plan is implemented, including which objectives are achieved, using specific indicators to measure results. All reports must detail the situation of youth and adolescents at risk of sexual commercial exploitation through an account of achievements and obstacles, and must contain statistics. The Ministry of Government, which oversees both the Directorate of Migration and the National Police, monitors external anti-trafficking efforts. The Ministry of Government is also involved in monitoring internal anti-trafficking efforts when they involve law enforcement, such as the investigation and prosecution of brothel owners with underage prostitutes. CONAPINA and Ministry of Government officials have regularly held public meetings and seminars to report on both the progress of anti-TIP efforts and refinements to the national anti-TIP strategy.

CONFIRMED TIP CASES (January 2005-February 2006)

¶12. (SBU) In late January 2005, Managua police broke up a trafficking ring seeking to lure adolescent girls from the capital to Guatemala for purposes of prostitution (reftel D). Police arrested five suspected traffickers (four Nicaraguans and a Guatemalan), who had deceived and imprisoned six girls and who were in the process of preparing fake documentation to smuggle them across international borders. The six girls,

all of whom were from poor Managua neighborhoods, informed police and prosecutors that they had been deceived by offers of lucrative domestic employment in Guatemala. According to initial reports, the four suspected Nicaraguan traffickers were using a fake travel agency as a front for their activities. The fifth suspected trafficker arrested was the Guatemalan owner of the nightclub for which the six TIP victims were reportedly destined. After the traffickers were arrested and the girls returned to their families, a Managua judge ordered the suspected traffickers held for trial, which took place in April. During the trial, evidence emerged that the traffickers had been funneling Nicaraguan minors to Guatemalan nightclubs for the purpose of prostitution at least since 2002. The GON made the TIP case a major priority and a wide range of state institutions and non-governmental organizations (NGOs) worked together to assist the victims and ensure effective prosecution. Strong physical and witness evidence, including testimony by three TIP victims, overcame efforts by the defense to bribe and intimidate victims and smear them in court. In the end, four out of the five traffickers were convicted. Three received eight year sentences, and the fourth received a four year sentence. Although Nicaraguan courts had previously convicted internal traffickers of minors, this case was the country's first successful prosecution of international traffickers (reftel G).

¶13. (SBU) On February 24, 2005, police in El Salvador informed the Nicaraguan consulate in that country that they had rescued two Nicaraguan minors, Olga Maria Ruiz Tercero (age 16) and Carmen Montiel Cruz (age 17), from situations of sexual exploitation during a raid on the "Night Club Tequila Bar." The Nicaraguan consulate coordinated the appropriate GON efforts to return Cruz to her family and placed Tercero in the care of the Ministry of the Family; both minors returned to Nicaragua on March 14. The consulate subsequently assisted Salvadoran authorities with documentation needed for the prosecuting of the traffickers.

¶14. (SBU) On June 28, Salvadoran police informed the Nicaraguan consulate that they had rescued Reyna Isabel Valverde Rivera (age 17) from a situation of sexual exploitation during a raid on the "Night Club Retorno del Tren de la Noche." The Nicaraguan consulate coordinated the GON efforts to repatriate the minor and she was returned to her family on August 12.

¶15. (SBU) On July 13, Salvadoran authorities informed the Nicaraguan consulate that Reyna Mercedes Gutierrez (age 17) was in their custody and was a victim of sexual exploitation.

The Nicaraguan consulate coordinated the GON efforts to repatriate the minor and she was returned to her family on August 12.

¶16. (SBU) In late July, Managua police uncovered another trafficking ring that was recruiting young girls for purposes of sexual exploitation. In this internal TIP case, the girls were being both recruited and exploited in the capital. Police found a total of six minor victims, including three of the traffickers' own children (reftel L). The traffickers used a variety of methods to recruit and control their victims, including kidnapping and drugs. Unfortunately, systemic weaknesses of Nicaraguan government institutions led to not guilty verdicts in the October jury trial of three traffickers (reftel O). Defense lawyers took advantage of the inability of police to provide sufficient evidence and of the Ministry of the Family's inability to shelter the minor victims from threats and bribes. The defense used threats, bribes, and false testimony, and removed all potential female jurors before the trial started. The attorneys took advantage of what prosecutors describe as a "culture of machismo", portraying child prostitution as a "normal" characteristic of Nicaragua's poverty. Nicaraguan government institutions have grown more adept at working together to fight TIP and have demonstrated a growing commitment to doing so, but inherent weaknesses remain an obstacle to successful TIP prosecutions. Because of these weaknesses, every TIP prosecution in Nicaragua is a major challenge, with success

or failure coming down to the ability of police to provide evidence and the determination of witnesses to testify against their traffickers. Though Post and prosecutors are disappointed by the outcome in this case, we will use it as an object lesson to strengthen future prosecutions as much as possible. In late November, in response to an appeal from the Fiscalia, a Managua judge declared the jury's verdict in this case null and void because one juror had concealed that he was deaf and another had covered up his criminal record. A new jury trial was scheduled for December, but the three traffickers disappeared, and are presently fugitives from justice. GON authorities do not know whether the three traffickers remain in Nicaragua.

¶17. (SBU) On September 20, Salvadoran authorities informed the Nicaraguan consulate that they had taken custody of Andrea Francisca Cuadra Zapata (age 15) when she was found without travel documents attempting to cross into Guatemala in the company of an unknown adult male. The Salvadoran authorities reportedly informed the consulate that they had reason to believe that the girl had been destined for sexual exploitation in Guatemala. The consulate coordinated the GON efforts to repatriate the minor and she was returned to her family on October 28.

¶18. (SBU) On October 9, authorities in Guatemala informed the Nicaraguan consulate in that country that they had rescued three young Nicaraguans, Alba Johana Ocampos Martinez, Veronica del Carmen Baquedano, and Maria Gabriela Estrada Moreno (all age 20) from a situation of trafficking in persons. The Nicaraguan consulate coordinated the GON efforts to repatriate the young women and they returned to Nicaragua on October 12.

¶19. (SBU) On October 13 authorities in Guatemala informed the Nicaraguan consulate in that country that they had rescued three more young Nicaraguans, Lucidalia Torres (age 15), Martha Petrona Garcia Zapata (age 22) and Maribeli Urania Acevedo Peralta (age 17) from a situation of trafficking in persons. The Nicaraguan consulate coordinated the GON efforts to repatriate the three Nicaraguans, but the Foreign Ministry has not provided the date on which they returned to Nicaragua.

¶20. (SBU) On November 7, Salvadoran authorities informed the Nicaraguan consulate that they had found Joselin Liseth Romero Ortega (age 17) in a situation where she risked becoming a victim of trafficking in persons. The Nicaraguan consulate coordinated the GON efforts to repatriate the minor and she was returned to Nicaragua on November 23.

¶21. (SBU) In November the Nicaraguan media reported that Costa Rican authorities had arrested Indiana Salguera (Nicaraguan) and Pedro Cespedes (Costa Rican) in May and put them on trial in November for smuggling Nicaraguan minors from Chichigalpa (in Nicaragua's northwestern Department of Chinandega) to Costa Rica for purposes of sexual exploitation. According to media accounts, Salguera and Cespedes illegally transported at least two teenage girls to Costa Rica in March, where they were victims of commercial sexual exploitation. The Costa Rican authorities charged the traffickers with rape, corruption of minors, pimping, trafficking in persons, and distribution of pornography, among other charges. During the investigation and trial the Nicaraguan authorities provided assistance to their Costa Rican counterparts, and worked to repatriate the victims and reintegrate them into their families and society. Media accounts of the trial suggested that the case might indicate a larger network of traffickers smuggling young women and girls from Managua and other cities to Penas Blancas and then across the border into Costa Rica. According to media reports, the trial was scheduled to take place in February 2006, and the two minor victims would receive shelter in Costa Rica until the trial concluded. Thereafter, they would immediately be repatriated to Nicaragua and assisted in reintegrating into their families and community.

¶22. (SBU) In January 2006, Border police at the Guasaule crossing point on the Nicaragua-Honduras border found five

Nicaraguan minors hidden in the back of a truck. Upon investigation, police learned that traffickers Alicia Maria Perez Flores, Jacqueline Liseth Velasquez Perez, Damaris del Carmen Osorio, Luis Abraham Perez Rodriguez and another individual were operating a trafficking ring in the northern department of Chinandega and had recruited the five girls with offers of employment as cooks and nannies in El Salvador. In reality, the traffickers intended the victims to work as prostitutes in El Salvador. The five traffickers arrested remain in custody awaiting trial while police and prosecutors complete their investigation.

¶23. (SBU) In February 2006, the Ministry of Government reported that the GON had repatriated nine Nicaraguan minors (all girls) between 13 and 17 years old from El Salvador, where they had been lured, prostituted, and advertised on the internet by Salvadoran traffickers Oscar Ernesto Rodriguez Perez, Jose Armando Sorto Rodriguez, and Jose Miguel Clara Iriarte. The GON worked with the IOM to repatriate the nine girls and return them to their families and schools. Nicaraguan officials expressed frustration that a Salvadoran judge freed the three traffickers on the spurious argument that no trafficking occurred because the Nicaraguan minors traveled to El Salvador and prostituted themselves voluntarily. The Ministry of Government emphasized that the minors were not old enough to make such decisions on their own. According to media accounts, Salvadoran prosecutors made similar arguments with the judge, but to no avail.

PREVENTION (Paragraph 22, A-J)

¶24. (SBU) Paragraph A: The GON acknowledges that trafficking in persons is a problem in the country.

¶25. (SBU) Paragraph B: The National Council on Attention and Integral Protection of Children and Adolescents (CONAPINA) coordinates GON policy on children's affairs, including trafficking, with participation from every key Government Ministry, the NGO community, and international donors. The two agencies most directly involved in anti-trafficking law enforcement are the Directorate of Migration and the NNP, both of which report to the Ministry of Government, which has the leading role in day-to-day anti-trafficking efforts. The Vice Minister of Government, Deyanira Arguello, who has the primary responsibility for trafficking issues, has spoken out regularly on the subject and has provided strong, committed leadership to strengthen all of the anti-trafficking efforts of her ministry and of the GON more generally. Arguello has also lobbied the National Assembly to approve the trafficking-related reforms to the criminal code described in paragraph 37. When Migration officials detect fake documents or other evidence of trafficking upon entry or exit, they report it to the police, who are in charge of investigating and arresting suspects. Migration and the police have coordinated past trafficking cases detected by Migration.

Migration also enforces restrictions on transporting minors out of Nicaragua.

¶26. (SBU) Paragraph B continued: The police maintain a network of 24 women's police stations, which investigate cases of abuse against women and children, including allegations of trafficking. Migration, the police, and a number of other GON agencies participate in the U.S.-Nicaragua Joint Immigration Task Force (described in reftel B), which coordinates activities to strengthen migration controls and fight alien smuggling and trafficking.

The Office of the Human Rights Prosecutor has separate Special Prosecutors for Women and Children and trafficking is included in their portfolios. The office of the National Prosecutor prosecutes trafficking cases when sufficient evidence exists, and has a specialized Women's and Children's unit dedicated to handling such cases.

¶27. (SBU) Paragraph C: The GON has a variety of successful trafficking awareness campaigns, including those run by the Women's Division of the National Police, the Ministry of

Education, and the Ministry of Government's anti-TIP office. The Ministry of Government has also organized a multi-media (print, radio, television) awareness campaign supported by Save the Children and the Embassy. This campaign has produced TIP manuals with a simple, clear message for distribution in schools, as well as anti-TIP public service messages that have been widely broadcast on television and radio. The Ministry of Education's program is implemented in high schools throughout Nicaragua to warn at-risk teenagers about trafficking. The Ministry of Education has another program aimed at teachers, which is designed to train them to recognize and properly handle cases of child sexual exploitation of any type. The Ministry of Government has also held seminars on TIP for print, television and radio reporters, in order to enable them to report more effectively and accurately on the subject. In cooperation with the Nicaraguan Tourism Institute (Intur), Ministry officials have also regularly trained representatives of the tourism industry on trafficking in persons and sex tourism. The Ministry of Government, with financial support from the Embassy, is currently preparing a number of new television spots on the dangers of trafficking and has signed agreements with local television stations to air them free of cost when they are ready. Police report that almost all individuals who come to them to report trafficking cases make reference to having seen one element or more of the GON's anti-trafficking awareness campaign.

¶28. (SBU) Paragraph D: The GON, through the Ministry of Health, Family, and Education, funds a variety of programs that have some impact on the factors of poverty and poor education associated with trafficking. These programs are administered in schools and health clinics that address family needs. Many of these programs are supported by the international donor community, including several innovative programs supported by the U.S. Department of Labor designed to persuade child laborers to attend school by offering economic incentives to their parents and promoting alternatives to work.

¶29. (SBU) Paragraph F (There is no paragraph E